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of the nature of parliamentary sovereignty (perhaps the least convincing part of the book), and in his handling of Coke and the precedents on the question of the validity of acts of Parliament derogating from the common law, where he comes into conflict with such redoubtable antagonists as Sir Frederick Pollock (pp. 271-276, 287) and Professor Roscoe Pound (pp. 281, 291).¹ Into these controverted matters we cannot enter here, though we may say that our author bears himself in a lawyer-like way and makes out the strongest case for his position that has yet been presented.

From a book which gives so much it may be too exacting to demand more, but it is a disappointment to the lawyer not to find in it a connected account of the judicial functions exercised by parliament during the long period from the Revolution down to our own time. It appears, indeed, that the differentiation of functions, the "separation of powers," of the High Court of Parliament and the superior courts of judicature has gone so far as to leave the latter shorn completely of their ancient political powers. Has the judicial function of the "highest and most absolute" court in the kingdom also become atrophied? If so, when and by what process? Crowded out, no doubt, by the increasing pressure of legislative and administrative business devolving upon it through its assumption of the entire political administration. Even in the "spacious times of the great Elizabeth" its exercise of the judicial function had become infrequent, if we may trust Sir Thomas Smith. For he records that in "the matter of giving judgment" in private causes, "such bills be seldom received, because that great counsell, being enough occupied with the publique affaires of the realme, will not gladly intermeddle it selfe with private quarels and questions." (Lib. II, cap. 6.)

But our author has forestalled this criticism, if criticism it be, by his modest disclaimer of any attempt to present a complete account of parliamentary history. The work is an essay, in the old-fashioned sense of the term, not a treatise, and its object is only to trace "the history of certain legal ideas" relating to "the boundaries between legislation and adjudication in England." As such it is a suggestive and stimulating as well as a competent performance.

G. W. K.

CRIME: ITS CAUSES AND REMEDIES. By CESARE LOMBROSO, M. D., Professor of Psychiatry and Criminal Anthropology in the University of Turin. Translated by HENRY P. HORTON, M. A. With an introduction by MAURICE PARMELEE, PH. D., Assistant Professor of Sociology in the University of Missouri. Modern Criminal Science Series, No. 3. Boston: LITTLE, BROWN & Co. 1911. pp. xlvii, 451.

This is the third volume of the Modern Criminal Science Series published under the auspices of The American Institute of Criminal Law and Criminology. In the general introduction, it is stated that "the Institute takes upon itself, as one of its aims, to inculcate the study of modern criminal science, as a pressing duty for the legal profession and for the thoughtful community at large. One of its principal modes of stimulating and aiding this study is to make available in the English language the most useful treatises now extant in the Continental languages. * * * The effort, in selecting this series

¹See also Prof. Frank J. Goodnow, *Social Reform and the Constitution*, 335.

of translations has been to choose those works which best represent the various schools of thought in criminal science." On this basis of selection Lombroso is clearly entitled to representation. He is the most conspicuous figure in criminological science in modern times. To him and his school belongs the credit of directing attention to the anthropological causes of crime. The Institute has done well to select for translation his last great work, *Crime: Its Causes and Remedies*. English speaking readers will welcome therefore the opportunity to secure this work for the first time in translation. A summary of Lombroso's other great work, "*Criminal Man*," has already been published in America under the editorship of his daughter Signora Gina Lombroso-Ferrero, and Professor Ferrero. There are now available in English Lombroso's two great books.

In the language of Lombroso, the present book is an "attempt by means of facts to answer those who, not having read my '*Criminal Man*' (of which it is the necessary complement) * * * accuse my school of having neglected the economic and social causes of crime, and of having confined itself to the study of the born criminal, thus teaching that the criminal is riveted irrevocably to his destiny, and that humanity has no escape from his atavistic ferocity."

The work is divided into three parts: I. Aetiology of Crime. II. Prophylaxis and Therapeusis of Crime. III. Synthesis and Application. Under I, among the principal causes considered are these: Meteorological and climatic influences, topography, geology, influence of race, aggregations and density of population, immigration and emigration, conditions of subsistence, alcoholism, drugs and intoxicants, influence of education, economic conditions, and religion, heredity, age, precocity, sex, prostitution, civil status, unemployment, prisons, newspapers, associations of criminals. The effect of these as causes of crime is considered, and conclusions, based upon extensive statistics and charts, are drawn as to their causal efficiency. Part II is devoted to means of prevention and cure of crime. Numerous remedies are suggested, many of which are being applied in the United States. In the case of born criminals, education and punishment, he says, will accomplish little. Penal substitutes must be devised which will tend to neutralize criminal tendencies. Among the remedies suggested are these: Restriction of traffic in intoxicants; the creation of a favorable environment by legislative and administrative measures; greater facility in granting divorces; more extended use of the indeterminate sentence and parol; classification and segregation of persons confined to prisons; reformatory schools; homes for released convicts; application of the earnings of criminals to the support and education of their families. In Part III, devoted to Synthesis and Application, the author states that "the fundamental proposition undoubtedly is that we ought to study not so much the abstract crime as the criminal"; that "no theory of punishment has a sound basis, except that of natural necessity and the right of self defense"; that "we must have in view the welfare of society more than the punishment of the criminal, and the criminal and his victim more than the crime." The discussion covers the following subjects: Penalties other than imprisonment, such as corporal punishment, confinement at home, fines, indemnity, reprimand and security, probation and conditional sentence, atavism and epilepsy in crime and punishment, asylums for criminal insane, adaption of penalties to the sex, age, and condition of the criminal, the utilization of crime.

While the book is to be taken as an indication by Lombroso that

he regarded the sociological and other causes of crime entitled to consideration and due weight, it does not indicate that he departed essentially from his views as to the anthropological causes. He writes as one who, having demonstrated the principal cause of crime, examines into other possible causes, and comes back confirmed in his original opinion. Conceding that he has made the most of his data at hand, and that he has generalized fairly from it, still his conclusions as to the causes of crime are not convincing. His data and the treatment thereof are suggestive of the need of greater interest and investigation. They leave much to be desired. This is a want due to the insufficiency of statistics and opportunities of observation rather than to any fault of the author. Likewise, his proposals for the cure and prevention of crime lack force, for the reason that they appear to be based upon insufficient observation and experience.

The most suggestive and valuable part of his book is the third. His discussion of the right to punish and the purpose of punishment, the criminal insane, the probation and reformatory systems, is alone sufficient justification for the translation.

E. A. G.

MODERN THEORIES OF CRIMINALITY. By C. BERNALDO DE QUIROS. Translated by ALFONSO DE SALVIO, PH.D. Boston: Little, Brown & Co. 1911. pp. xxi, 249.

The first of the three chapters of this book gives a brief account of what the author terms the origin of the science of criminology, and a concise review of the theories advanced by the modern writers on the subject; the second deals with the science of penology in the same way; while the third discusses the scientific investigation of crime.

The most significant forces in the origin of the science of criminology are said by the author to be found in the old longing in man to discover a correspondence between mind and matter, between soul and body, which give rise to the long list of occult sciences of which physiognomy and phrenology are the most recent survivors; in the development of psychiatry; and in the rise of statistic science.

From such origins come our modern theories of criminology which the author finds heralded in the work of the three Italians whom he calls the three innovators, Cesare Lombroso, Enrico Ferri, and Raffaele Garofalo. The work of each of the three is fully discussed and the principal theories advanced by each stated. Of them it is said that, "With the anthropologist Lombroso, the sociologist Ferri, and the juris-consult Garofalo, the school of criminal anthropology can be considered as fully established."

Though these founded the modern anthropological school of criminologists they admitted that the criminal is not irrevocably determined by birth, and one of them, Ferri, formulated the theory that crime is the result of all of the factors which can influence human conduct. These factors may be divided into individual or anthropological, physical or natural, and social. Of these factors the author says; "as soon as these were formulated, the relative value and conception of each group of factors were looked upon by investigators from different standpoints, so as to produce two great tendencies. The one by affirming the preponderance of anthropologic factors was called Criminal Anthropology, the other, leaning toward social factors, took the name of Criminal Sociology. The physical or cosmic factors did not pro-